

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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BIRCHWOOD LABORATORIES, INC.,

Plaintiff,

v.

**ORDER**

Civil File No. 09-3555 (MJD/JJK)

BATTENFELD TECHNOLOGIES, INC.,

Defendant.

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John L. Krenn, Dean C. Eyler and Jeremy L. Johnson, Gray, Plant, Mooty, Mooty & Bennett, P.A., Counsel for Plaintiff.

Peter W. Sipkins and Paul Robbennolt, Dorsey & Whitney LLP; and Paul T. Fortino, Scott D. Eads, Julia E. Markley, and Bryan D. Beel, Perkins Coie LLP, Counsel for Defendant.

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The above-entitled matter comes before the Court on Defendant Battenfeld Technologies, Inc.'s appeal of Magistrate Judge Jeffrey J. Keyes' May 20, 2011 Order denying Defendant's Motion to Enforce Birchwood Laboratories, Inc.'s Discovery Obligations Pursuant to Case Scheduling Order [Docket No. 74]. The Court has carefully considered the entire record in this matter and concludes that oral argument is unnecessary.

This Court will reverse a magistrate judge's order on a nondispositive issue if it is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); D. Minn. L.R. 72.2(a). The Court has reviewed the submissions and the record in this case and concludes that Magistrate Judge Keyes' May 20, 2011 Order is neither clearly erroneous nor contrary to law. Therefore, the March 20 Order is affirmed.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. United States Magistrate Judge Jeffrey Keyes' May 20, 2011 Order [Docket No. 86] is **AFFIRMED**.
2. Defendant's appeal of that order [Docket No. 87] is **DENIED**.

Dated: July 1, 2011

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court